



Attorney Docket No. 3192/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hideyuki YAMANAKA

Serial No. 09/822,417

Filed: April 2, 2001

: Group Art Unit: 2856

: Examiner: R. Raevis

For: **SYSTEM AND MONITORING THE BEHAVIOR AND ENVIRONMENTAL
CONDITIONS OF A HIGH PRECISION ELECTRONIC APPARATUS**

RESPONSE

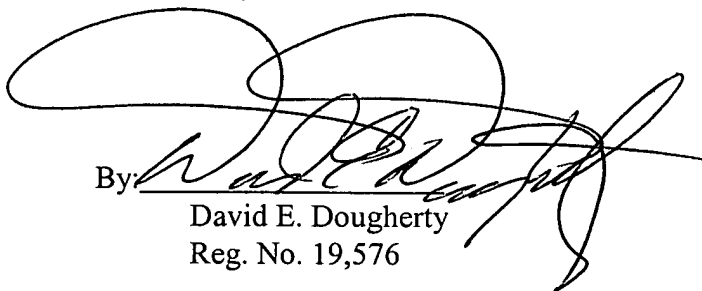
Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Decision on Petition dated August 8, 2003, Applicant is submitting herewith papers which were filed on June 3, 2003 in which were not addressed to in the aforementioned Decision. It is respectfully submitted that the Supplemental Request to Withdraw Notice of Abandonment supports Applicant's request and that the Holding of Abandonment should be withdrawn.

Applicant is also submitting herewith a Petition for a One-Month Extension of Time.

Respectfully submitted,

By: 
David E. Dougherty
Reg. No. 19,576

November 3, 2003

Date

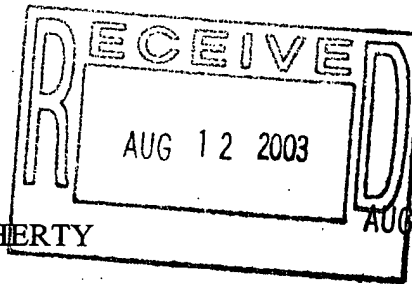
Dennison, Schultz & Dougherty
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Paper No. 9

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8 2003

In re Application of
YAMANAKA.
Application No. 09/822,417
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DECISION ON PETITION

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This is a decision on the petition filed March 11, 2003, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is **DISMISSED**.

A non-final action was mailed on October 26, 2001, setting forth a three-month period of response. Applicant responded with an amendment filed January 25, 2002. The examiner considered the amendment to be non-compliant because it failed to meet requirements of 37 C.F.R. 1.121, mailed a Notice of Non-Compliant Amendment on February 7, 2002 and set forth a one-month period of response. Applicant filed a change of address on March 15, 2002.

Applicant asserts that he did not receive the Notice of Non-Compliant Amendment and that applicant worked at and occupied the premises of the former address until March 15, 2002. Further, applicant asserts that he had arranged to have any documents submitted from the Patent Office to a former address forwarded to the new address.

The review of the application file reveals that the Notice of Non-Compliant Amendment was sent to the correct address. The change of address, which was submitted after the mailing of the Notice of Non-Compliant Amendment, did not require remailing of the Notice of Non-Compliant Amendment.

Pursuant to M.P.E.P. §711.03(c), it is the petitioner's burden to demonstrate that the Notice of Non-Compliant Amendment was not in fact received at the correspondence address of record at the time it was mailed. The showing required to establish the failure to receive an Office action

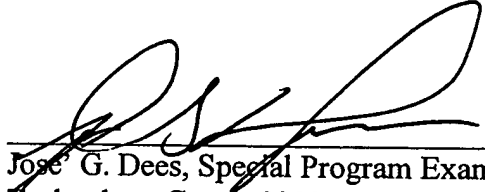
must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been received had it been received and docketed must be attached to and referenced in the practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. §711.03(c),

Applicant has not provided the required statement attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. Further, applicant has not provided a copy of the docket record where the non-received Office action would have been received had it been received and docketed.

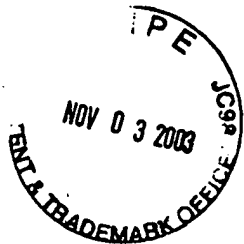
Since applicant has not made the requisite showing required under M.P.E.P §711.03(c), the holding of abandonment is proper.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision.

Questions regarding this decision should be directed to Jose' G. Dees at (703) 308-4628.



Jose' G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



Inventor: Hideyuki YAMANAKA Docket No: 3192/2

Serial No.: 09/822,417

Title: SYSTEM AND MONITORING THE BEHAVIOR AND ENVIRONMENTAL CONDITIONS
OF A HIGH PRECISION ELECTRONIC APPARATUS

Date: June 3, 2003 Initials: DED/vjb

Transmitted herewith for filing are the following:

1. Supplemental Request to Withdraw Notice of Abandonment

Receipt is hereby acknowledged by the U.S. Patent & Trademark Office of the above-identified papers.



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Attorney Docket No. 3192/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hideyuki YAMANAKA

Serial No. 09/822,417

Filed: April 2, 2001

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: Group Art Unit: 2856
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: Examiner: R. Raevis
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For: SYSTEM AND MONITORING THE BEHAVIOR AND ENVIRONMENTAL
CONDITIONS OF A HIGH PRECISION ELECTRONIC APPARATUS

SUPPLEMENTAL REQUEST TO WITHDRAW NOTICE OF ABANDONMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to a telephone conversation with the Examiner in the above-identified application, Applicant is submitting herewith copies of the March 7, 8, 9, 10 & 11, 2002 pages from the docket of Applicant's attorney.

The pages in that docket book were maintained by Applicant's and his secretary for all patent office communications that he received at 5205 Leesburg Pike, Suite 1404, Falls Church, Virginia 22041. The docket book included all communications forwarded from the U.S. Patent Office subsequent to January 1, 2002. Office Actions received prior to January 1, 2002 at that address and their due dates were recorded in a separate docket book.

During the period of January 1, 2002 and March 15, 2002, documents addressed to Bruce Troxell and Dougherty & Troxell were also received at that address. However, care was taken to make absolutely certain that all documents relating to the clients of David E. Dougherty were docketed in the docket book

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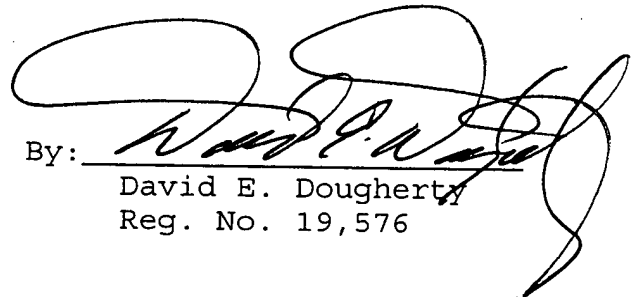
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of David E. Dougherty. At this time, David E. Dougherty has no access to the docket book of Bruce Troxell.

Applicant's attorney hereby states that the Office communication was not received and that Applicant's attorney has conducted a search of the file jacket and docket records and that the file jacket and docket records indicate that the office communication was not received.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By: 
David E. Dougherty
Reg. No. 19,576

June 3, 2003
Date

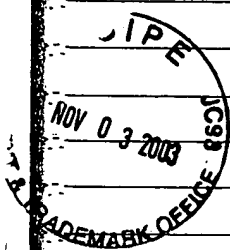
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MARCH

7

THURSDAY

2002 66th day - 299 days follow



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2002 67th day – 298 days follow

FRIDAY

8

MARCH

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MARCH

9

SATURDAY

2002 68th day - 297 days follow

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296 days follow
Sunday (United Kingdom)

SUNDAY

10

MARCH

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2002 70th day - 295 days follow

MARCH

11

MONDAY

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